

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ADHIAMBO A. MITCHELL,

Plaintiff,

-v-

EL AGUILA III LLC, ET AL.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: <u>6/24/2025</u>

ORDER

25-CV-1185 (VSB) (HJR)

HENRY J. RICARDO, United States Magistrate Judge.

Plaintiff Adhiambo Mitchell filed his Complaint on February 10, 2025. ECF No. 1. On May 20, 2025, the Court ordered Plaintiff to show cause as to why Plaintiff failed to serve the summons and Complaint within the 90 days prescribed by Federal Rule of Civil Procedure 4(m) or to provide proof of such service and explain when and in what manner service was made. ECF No. 8. On May 28, 2025, Plaintiff served the summonses and complaint on Defendants El Aguilla III LLC and 1634 Lexington Avenue, LLC and filed proof of such service on May 30, 2025. ECF Nos. 9–10. Defendants' answers were due by June 18, 2025.

To date, the docket reflects that no Defendant has appeared in this action nor responded to the Complaint. Given Defendants' non-appearance since the affidavits of service were filed, if Plaintiff believes that they have effectuated service, then he should initiate default judgment proceedings in accordance with Federal Rule of Civil Procedure 55(b)(2) and Local Civil Rules 55.2(b) by **July 11, 2025**.

Alternatively, Plaintiff may submit a status letter by the same date, informing the

Court as to Plaintiff's litigation plan and whether he is still actively attempting to serve Defendants.

Failure to comply with this Order could result in a recommendation to the Honorable Vernon S. Broderick that this action be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41.

SO ORDERED.

Dated: June 24, 2025
New York, New York



Henry J. Ricardo
United States Magistrate Judge